

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| GERALD BULLOCKS | : | Case No. 1:18-cv-565 |
| Plaintiff, | : | |
| | : | Judge Timothy S. Black |
| vs. | : | |
| | : | Magistrate Judge Karen L. Litkovitz |
| LINNEA MAHLMAN, | : | |
| Defendant. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORTS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 4, 7, 10) and
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and submitted multiple Reports and Recommendations. Specifically:

On August 28, 2018, the Magistrate Judge entered a Report and Recommendation recommending that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief can be granted. (Doc. 4). The Magistrate Judge's recommendation was premised on her correct findings that Plaintiff's Complaint did not adequately plead a First Amendment retaliation claim, that the allegations of Plaintiff's Complaint did not rise to the level of a constitutional violation under the Eighth Amendment, and that the Complaint did not state a plausible claim for violation of the Equal Protection clause.

Plaintiff filed a timely Objection (Doc. 5). However, the Objection does not contain any persuasive argument or authority demonstrating that the Magistrate Judge erred in her recommendation.

On September 10, 2018, Plaintiff filed a motion for leave to file an Amended Complaint. (Doc. 6). On September 19, 2018, the Magistrate Judge submitted a Report and Recommendation recommending that Plaintiff's motion to amend be denied as it failed to cure the deficiencies in Plaintiff's original Complaint. (Doc. 7). Plaintiff filed an (untimely) objection to the Magistrate Judge's September 19, 2018, Report and Recommendation, but the objection fails to establish that the Magistrate Judge erred in her analysis and recommendation. (Doc. 8).

On October 18, 2018, Plaintiff filed a second motion to amend the Complaint. (Doc. 9). On October 22, 2018, the Magistrate Judge submitted a Report and Recommendation recommending that Plaintiff's second motion to amend be denied because "for the reasons stated in the [prior Reports and Recommendations], plaintiff fails to state actionable claims against defendant under the First and Eighth Amendments." (Doc. 10). Plaintiff filed an objection, but the objection again fails to cure the deficiencies in Plaintiff's First Amendment and Eighth Amendment claims. (Doc. 11). Plaintiff's objection also references the Americans with Disabilities Act, but no arguments pertaining to that statute were presented to the Magistrate Judge.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

determine that such Reports and Recommendations should be and are hereby adopted in their entirety. Accordingly:

1. The Magistrate Judge's August 28, 2018 Report and Recommendation (Doc. 4) is **ADOPTED**;
2. Plaintiff's Complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1);
3. The Magistrate Judge's September 19, 2018 Report and Recommendation (Doc. 7) is **ADOPTED**;
4. Plaintiff's First Motion for Leave to File an Amended Complaint (Doc. 6) is **DENIED**;
5. The Magistrate Judge's October 22, 2018 Report and Recommendation (Doc. 10) is **ADOPTED**;
6. Plaintiff's Second Motion for Leave to File an Amended Complaint (Doc. 9) is **DENIED**;
7. Plaintiff's Objections (Docs. 5, 8, 11) are **OVERRULED**;
8. Pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith; and
9. The Clerk shall enter judgment accordingly, whereupon this action is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 11/21/18

s/ Timothy S. Black
Timothy S. Black
United States District Judge